

1 PHILLIP A. TALBERT  
United States Attorney  
2 PETE THOMPSON  
Acting Regional Chief Counsel  
3 Oscar Gonzalez de Llano  
Special Assistant United States Attorney  
4 Social Security Administration  
160 Spear Street, Suite 800  
5 San Francisco, CA 94105  
Telephone: (510) 970-4818  
6 Email: Oscar.Gonzalez@ssa.gov  
Attorneys for Defendant  
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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12

13 EVALYN ANA MENDOZA,

14 Plaintiff,

15 v.

16 KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,

17 Defendant.  
18

No. 1:20-cv-01695-EPG

STIPULATED MOTION AND ORDER FOR  
AN EXTENSION OF TIME TO RESPOND TO  
PLAINTIFF'S OPENING BRIEF

(ECF No. 20)

19  
20 IT IS HEREBY STIPULATED, by and between the parties through their respective  
21 counsel of record, with the Court's approval, that Defendant's time for responding to Plaintiff's  
22 Opening Brief be extended eighty-five (85) days from February 17, 2022, to May 13, 2022. This  
23 is Defendant's first request for an extension. Counsel for Plaintiff has no objection to  
24 Defendant's request for an extension.

25 Good cause exists for this request. Defendant respectfully requests this additional time  
26 because Counsel for Defendant will be unable to devote the time required to complete  
27 Defendant's response to Plaintiff's Opening Brief given the current due date. The undersigned  
28

1 attorney has been out of the office on extended paternity leave for the past couple months and  
2 returned full-time last week after unexpectedly spending an additional week out of the office  
3 caring for his 3 year old son due to COVID. As this Court no doubt knows, Social Security case  
4 filings in federal court increased significantly in the past year. The increased filings,  
5 compounded by COVID-related delays in transcript production and attorney attrition, have  
6 resulted in an increased workload and competing deadlines. Counsel for Defendant currently has  
7 twenty (20) merit briefs currently due in district court cases over the next 30 days and an  
8 additional eighteen (18) merit briefs currently due in district court cases in 30-60 days. Given  
9 this current workload a lengthy extension until May 13, 2022 should provide an opportunity for  
10 the undersigned Counsel for Defendant to complete the response to Plaintiff's Opening Brief.  
11 Furthermore, a reassignment of this matter to another staff attorney is currently not tenable given  
12 the high volume of cases that all of our limited staff (due to leave and resignations) is handling.  
13 Counsel apologizes to the Court for any inconvenience caused by this delay. All other dates in  
14 the Court's Scheduling Order shall be extended accordingly.

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16 Respectfully submitted,

17 PHILLIP A. TALBERT  
18 United States Attorney

19 DATE: January 24, 2022

By: s/ Oscar Gonzalez de Llano  
20 OSCAR GONZALEZ DE LLANO  
21 Special Assistant United States Attorney  
22 Attorneys for Defendant

23 Respectfully submitted,

24 Attorneys for Plaintiff

25 DATE: January 24, 2022

By: s/ Jonathan O. Pena\*  
26 Jonathan O. Pena, Esq.  
27 Pena & Bromberg, Attorneys at Law  
28 (\*as authorized by email)

**ORDER**

Based on the above stipulation, IT IS ORDERED that Defendant's motion for extension of time (ECF No. 20) is granted. Defendant shall have an extension, up to and including May 13, 2022, to respond to Plaintiff's Opening Brief. All other deadlines in the Court's scheduling order are extended accordingly.

IT IS SO ORDERED.

Dated: **January 25, 2022**

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE